

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY KERRIGAN, LORI MIKOVICH and  
RYAN M. VALLI, individually, and on behalf of  
all others similarly situated,

Case No. 2:14-cv-12693  
Hon. Matthew F. Leitman

Plaintiffs,

vs.

VISALUS, INC., a corporation,

and

NICK SARNICOLA, ROBERT GOERGEN, SR., TODD  
GOERGEN, RYAN BLAIR, BLAKE MALLIN, FRANK VARON,  
KYLE PACETTI, JR., MICHAEL CRAIG, TIMOTHY KIRKLAND, HOLLEY  
KIRKLAND, AARON FORTNER, RACHEL JACKSON,  
TARA WILSON, ANTHONY LUCERO, RHONDA LUCERO,  
JAKE TRZCINSKI, GARY J. REYNOLDS, KEVIN MERRIWEATHER,  
domestic individuals,

and

ROPART ASSET MANAGEMENT FUND I, LLC,  
ROPART ASSET MANAGEMENT FUND II, LLC,  
LIVING TRUST DATED 9/30/1991 F/B/O ROBERT B. GOERGEN,  
OCD MARKETING, INC., POWER COUPLE, INC., ARRIVEBY 25, INC.,  
BAM VENTURES, INC., GOODER, LLC, RED LETTERS, LLC,  
M-POWER PATH, INC., A BERRY GOOD LIFE, INC.,  
NETWORK DYNAMICS AMERICA CORP., FREEDOM LEGACY, LLC,  
RESIDUAL MARKETING, INC., GOT HEART GLOBAL, INC.,  
JAKETRZ, INC., MOJOS LEGACY, LLC  
and BEACHLIFESTYLE ENTERPRISES, LLC.

and

**PLAINTIFFS' WITHDRAWAL  
WITHOUT PREJUDICE OF  
MOTION FOR CLASS  
CERTIFICATION AND  
APPOINTMENT OF LEAD  
COUNSEL**

WEALTH BUILDER INTERNATIONAL LLC, a foreign  
limited liability company,  
PROSPEX AUTOMATED WEALTH SYSTEMS, INC., and  
9248-2587 QUEBEC, INC., foreign corporations,

and

JASON O'TOOLE, a foreign individual, and  
LORI PETRILLI, a foreign individual

Defendants.

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As discussed with the Court, Plaintiffs, Timothy Kerrigan, et al, by and through their attorneys, Sommers Schwartz, P.C., hereby withdraw, without prejudice, their Motion for Class Certification and Appointment of Lead Counsel (Dkt. #115) filed on January 6, 2017 in this matter. The withdrawal of this motion obviates the need for a motion hearing.

Dated: May 2, 2018

Respectfully submitted,

SOMMERS SCHWARTZ, P.C.

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**CERTIFICATE OF SERVICE**

I certify that on May 2, 2018, I electronically filed the forgoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record on the ECF Service List.

s/ Andrew Kochanowski

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